

Remarks and Arguments

Claims 1-22 are pending in this application. Claims 1, and 13 have been amended to particularly point out the invention. Support for these amendments is found in the specification on page 8, first paragraph. Claim 22 has been amended to merely correct a typographical error.

35 U.S.C. § 112

Claim 10 stands rejected under 35 U.S.C. § 112 second paragraph as allegedly indefinite. The Office believes that the “unitary seal” recited in the claim is not shown in the disclosure. Thus, the Office concludes that it is unclear what structure is required to meet this limitation. Applicants respectfully traverse the rejection and invite the Office to consider the second paragraph of page 8, which describes the unitary seal and figures 9 and 10, which exemplify it. Applicants believe this disclosure renders the term definite. Withdrawal of the rejection is requested.

35 U.S.C. § 102

Claims 1-3, 5-8, and 11-21 stand rejected as allegedly anticipated under 35 U.S.C. § 102(b) by U.S. Patent No. 6,159,368 (hereinafter, “Moring”). Claims 1-3, 5-8, 11-21 stand rejected as allegedly anticipated under the same provision by U.S. Patent No. 6,054,100 (hereinafter, “Stanchfield”). Claims 1-3, 5-9 and 11-21 stand rejected as allegedly anticipated under 35 U.S.C. § 102(e) by U.S. Patent No. 6,592,826 (hereinafter, “Bloecker”).

The standard for anticipation under 35 U.S.C. § 102 requires that each and every element as set forth in the claim be found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). “The identical invention must be shown in as complete detail as is contained in the...claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).

Applicants have amended claims 1 and 13, herein to recite “the collar comprises a skirt formed along a bottom periphery of a lateral wall such that the skirt positions over a peripheral portion of the base.” Applicants believe the amendment obviates the §102

rejections with respect to each of independent claims 1 and 13, as well as their respective dependencies.

With respect to claims 16-21 Applicants note that these are method claims which recite in part: “applying a vacuum to said manifold with said vacuum source, whereby said collar is forced into sealing engagement with said base without causing movement of said sample processing unit” (emphasis added). The Office has pointed to nothing in any reference which discloses a method comprising this step. Accordingly, Applicants respectfully request withdrawal of the rejection.

35 USC §103

Claims 4 and 22 stand rejected as allegedly obvious in light of Bloeker, Stanchfield or Moring in view of U.S. Patent No. 5,498,545 (hereinafter, “Vestal”). The Office believes that Bloeker, Stanchfield or Moring teach all the elements of the claim, but admits that none of these references teach a MALDI device as the second device. According to the Office Vestal teaches a mass spectrometer system for analyzing multiple samples. The Office believes that Vestal discloses a system including a sample plate for holding samples on pins in wells of a plate. The Office concludes it would have been obvious to combine Vestal with the device of Bloeker or Stanchfield or Moring. The Office further states that one would use the plate of Vestal as the collection plate in order to load the collection plate for MALDI analysis of the samples. Applicants respectfully traverse the rejection.

The Prima Facie Case Requirement

The Patent and Trademark Office (PTO) bears the burden of initially establishing a prima facie case of obviousness. MPEP §2142. MPEP §2143 provides the standard required to establish a prima facie case of obviousness. “First there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine what the reference teaches. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references combined) must teach or suggest all the claim limitations.” The motivation to make the claimed invention and the reasonable expectation of success must both be found in the prior art, not the applicant’s disclosure. *In re Vaeck*, 20 U.S.P.Q.2d 1438, 1442 (Fed. Cir. 1991). The

references must be considered as a whole and must suggest the desirability, and thus the obviousness of making the combination. *Hodosh v. Block Drug Co., Inc.*, 229 U.S.P.Q. 182, 187 n.5 (Fed. Cir. 1986); MPEP § 2141. The Office has not met its burden in establishing a prima facie case of obviousness.

With respect to claim 4, Applicants submit that none of the references cited by the Office teach or suggest a collar comprising a skirt formed along a bottom periphery of a lateral wall such that the skirt positions over a peripheral portion of the base. The references therefore do not teach or suggest all of the claim limitations and thus the claim is not prima facie obvious. Turning to claim 22, Applicants submit the arguments presented above regarding claim 16, apply here as well and thus the cited references do not teach or suggest all of the claim elements of this claim either.

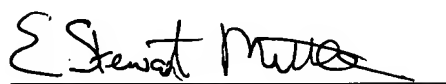
Lastly Applicants note that the Office has not pointed to anything in the cited references that would motivate the skilled artisan to make the suggested combination. The references themselves must suggest the desirability of making the suggested combination. Applicants believe there is nothing of record that suggests such motivation. Accordingly, Applicants respectfully request withdrawal of the rejection.

CONCLUSION

In view of the foregoing remarks, Applicant respectfully requests the reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account.

Respectfully submitted

A handwritten signature in black ink, appearing to read "E. Stewart Mittler", is written over a horizontal line.

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